



Commonwealth  
of Massachusetts

## OCPF Online

[www.mass.gov/ocpf](http://www.mass.gov/ocpf)

Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

---

### Advisory Opinion

March 28, 2005

AO-05-04

Gordon A. Tripp, MD  
18 South Main Street  
Sunderland, MA 01375

Re: Elected member of town party committee serving as treasurer of PAC

Dear Dr. Tripp:

This letter is in response to your March 8, 2005 request for an advisory opinion.

You have stated that you are an elected member of the Sunderland Democratic Town Committee. You are also serving as treasurer of the Franklin County Democratic League PAC.

#### QUESTION

May you continue to serve as treasurer of the PAC, or would this be prohibited by M.G.L. c. 55, § 5A?

#### ANSWER

You may continue to serve as treasurer of the PAC because an elected member of a political party committee is not a “candidate or individual holding elective public office” within the scope of Chapter 55.

#### DISCUSSION

Section 5A provides that “[n]o *candidate or individual holding elective public office* shall establish, finance, maintain, control or serve as a principal officer of a political action committee . . .,”<sup>1</sup> (emphasis added).

A person seeking election to a political party committee is not seeking *public* office, and is not a “candidate” as the campaign finance law defines that term. See M.G.L. c. 55, § 1 (stating that a

---

<sup>1</sup> The statute creates an exception for a majority of the members of each political party in the House of Representatives and in the Senate, each of which can authorize one PAC controlled by a candidate or elective public office holder.

“candidate” as “any individual who seeks nomination or election to public office . . .”), and AO-87-10 (in which the office concluded that a person seeking election to a political party committee is not a “candidate” required to file campaign finance reports). For this reason, you are not subject to the requirement that candidates and persons holding elective public office may not serve as principal officers of PACs.

This advisory opinion is issued solely within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your letter and our conversation.

This office appreciates your interest in the campaign finance law. Please contact us if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

MJS:gb